

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JULIUS GLENN SANDERS, #255 121,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:20-CV-817-WHA-CSC
	)	[WO]
WARDEN McCOY,	)	
	)	
Defendant.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff, an inmate incarcerated at the Easterling Correctional Facility, filed this *pro se* 42 U.S.C. § 1983 action on October 20, 2020. Plaintiff filed an affidavit in support of a Motion for Leave to Proceed In Forma Pauperis. Doc. 2. The motion, however, did not include the required documentation from the inmate account clerk. The Court, therefore, did not have the information necessary to determine whether Plaintiff should be allowed to proceed in forma pauperis in this case and entered an Order on March 9, 2021, requiring Plaintiff to provide the Court with this information on or before March 19, 2021. Doc. 4 at 1-2. The Court specifically cautioned Plaintiff that failure to comply with the March 9 Order would result in a Recommendation this case be dismissed. *Id.* at 2.

The requisite time has passed and Plaintiff has not complied with the Order of March 9, 2021. The Court, therefore, concludes that this case is due to be dismissed. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.); *see also Tanner v. Neal*, 232 F. Appx. 924 (11th Cir. 2007) (affirming *sua*

*sponte* dismissal without prejudice of inmate's § 1983 action for failure to file an amended complaint in compliance with court's prior order directing amendment and warning of consequences for failure to comply).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge this case be DISMISSED without prejudice for Plaintiff's failures to comply with the order of the Court and to prosecute this action.

Plaintiff may file an objection to the Recommendation **on or before May 27, 2021**. Any objection filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, this 13th day of May 2021.

/s/ Charles S. Coody  
\_\_\_\_\_  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE